ST/TAO/HR/49

# SEMINAR ON THE PROMOTION AND PROTECTION OF THE HUMAN RIGHTS OF NATIONAL, ETHNIC AND OTHER MINORITIES

OHRID, YUGOSLAVIA
25 June-8 July 1974

UNITED NATIONS

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# SEMINAR ON THE PROMOTION AND PROTECTION OF THE HUMAN RIGHTS OF NATIONAL, ETHNIC AND OTHER MINORITIES

*(organized by the United Nations Division of Human Rights in co-operation with the Government of Yugoslavia)*

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# INTRODUCTION

## A. Organization of the seminar

1. At the invitation of the Government of Yugoslavia, the Secretary-General of the United Nations organized, under the programme of advisory services in the field of human rights established by the General Assembly in resolution 926 (X), a seminar on a world-wide basis on the promotion and protection of the human rights of national, ethnic and other minorities. This was the second seminar to be held on this topic, the first being the seminar on the subject of the multinational society held on a world-wide basis in Ljubljana, Yugoslavia, from 8 to 21 June 1965.

2. The seminar was held in Ohrid, Yugoslavia, from 25 June to 8 July 1974, inclusive.

3. The arrangements regarding participation in the seminar and its agenda were agreed upon in consultation between the host Government and the Secretary-General of the United Nations.

## B. Participation

4. Invitations to nominate participants were initially extended to the Governments of Australia, Austria, Brazil, Bulgaria, Chad, China, Colombia, Cuba, Cyprus, Ecuador, Egypt, Ethiopia, France, Ghana, Guyana, Hungary, India, Iraq, Italy, Nigeria, Peru, Poland, Singapore, Sri Lanka, Sudan, Sweden, Turkey, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Yugoslavia, Zaire and Zambia. Subsequently, after notification had been received from one of the above mentioned countries that it would not be able to nominate a participant, an invitation was also extended to the Government of Thailand.

5. Participants and alternates from the following countries attended the seminar: Australia, Austria, Bulgaria, Chad, Cuba, Cyprus, Ecuador, Egypt, Ghana, Guyana, Hungary, India, Iraq, Italy, Nigeria, Peru, Poland, Sri Lanka, Sudan, Sweden, Thailand, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia and Zaire. Governments observers from Belgium, Canada, Finland, the German Democratic Republic and Romania also attended.

6. Specialized agencies having an interest in the subject-matter of the seminar were invited to send representatives. An invitation was also addressed to the United Nations Institute for Training and Research.

7. The following regional intergovernmental organizations were invited to send observers: Council of Europe, League of Arab States, Organization of African Unity and Organization of American States.

8. Non-governmental organizations in consultative status with the Economic and Social Council whose purpose and programmes are connected with the subject-matter of the seminar were also invited to send observers.

9. A list of those who attended the seminar may be found in Annex I to this report.

## C. Opening of the seminar and election of officers

10. The seminar was opened on behalf of the Secretary-General of the United Nations by Mr. Marc Schreiber, Director of the Division of Human Rights, who made a statement. The opening meeting was addressed by Mr. Blagoj Popov, President of the Executive Council of the Assembly of the Socialist Republic of Macedonia, and by Mr. Luben Batkovski, President of the Communal Assembly, Mayor of Ohrid. Mr. Blagoj Popov welcomed the participants on behalf of the Government of Yugoslavia and on behalf of the Government of the Republic of Macedonia. The participants were also welcomed by Mr. Ljuben Batkovski on behalf of the city of Ohrid. The texts of the welcoming speeches are reproduced in annexes IV and V, respectively, to this report.

11. The following officers were elected by acclamation:

Mr. Dimče Belovski (Yugoslavia), Chairman

Mr. Cord Dammert (Peru), Vice-Chairman

Mr. Hans Danelius (Sweden), Vice-Chairman

Mr. Bona Malwal Madut Ring (Sudan), Vice-Chairman

Mr. Rajeshwar Dayal (India), Rapporteur

12. Mr. Marc Schreiber represented the Secretary-General. Mr. George Brand was secretary of the seminar.

## D. Agenda

13. The agenda of the seminar was as follows:

1. Measures to ensure the human rights of minorities on the national level
   - (a) Legal status of minorities
   - (b) Exercise of civil and political rights
   - (c) Exercise of economic, social and cultural rights
2. Regional and world-wide co-operation for the promotion and protection of minorities
   - (a) Through bilateral or multilateral agreements
   - (b) Through research and study

(c) Through the encouragement of cultural and other contacts between groups linked by national, ethnic and other ties

(d) The role of minorities in the promotion of the spirit of understanding and co-operation among countries.

## E. Documentation

14. The following background papers were prepared for the seminar at the request of the United Nations Secretariat:

Background paper A, by C.O. Taiwo, Provost, College of Education, University of Lagos, Nigeria.

Background paper B, by Janko Jeri, Research Counsellor, Institute of Ethnic Problems (INV), Ljubljana, Yugoslavia, in collaboration with: Gorazd Kusej, University Professor, Faculty of Law; Albina Lük, Assistant, INV; Ernest Petric, University teacher, Faculty of Sociology, Political Sciences and Journalism; and Svetozar Polic and Anton Zorn, Scientific collaborators, INV.

15. Background paper C prepared for the 1965 Ljubljana seminar on the multinational society by Mr. Otto Klineberg, Director of the International Centre for Intergroup Relations, University of Paris, was reissued for use at the seminar.

16. The following working papers were prepared by the participants and alternates:

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| WP/1 | - | by Criton G. Tornaritis, Q.C. | (Cyprus) |
| WP/2 | - | by Federico de Córdova Castro | (Cuba) |
| WP/3 | - | by Hans Danelius | (Sweden) |
| WP/4 | - | by Yakembe Yoko | (Zaire) |
| WP/5 | - | by Gündüz A. Ökçün | (Turkey) |
| WP/6 | - | by Kate Abankwa | (Ghana) |
| WP/7 | - | by Zbigniew Resich | (Poland) |
| WP/8 | - | by Klaus Berchtold | (Austria) |
| WP/9 | - | by Bona Malwal M. Ring | (Sudan) |
| WP/10 | - | by Ismail A.H. Mirza | (Iraq) |
| WP/11 | - | by Margaret B. Young | (United States of America) |
| WP/12 | - | by Bandele Kolawole | (Nigeria) |
| WP/13 | - | by Marinko Gruić | (Yugoslavia) |
| WP/14 | - | by Koča Jončić | (Yugoslavia) |
| WP/15 | - | by Juraj Andrassy | (Yugoslavia) |
| WP/16 | - | by Peter R. Loof | (Australia) |

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| WP/17 | - | by Ivan T. Berend and László Kövágó | (Hungary) |
| WP/18 | - | by László Rehák | (Yugoslavia) |
| WP/19 | - | by Dančo Zografski | (Yugoslavia) |
| WP/20 | - | by Nihal Jayawickrama | (Sri Lanka) |
| WP/21 | - | by Savin Jogan | (Yugoslavia) |
| WP/22 | - | by Hajredin Hodža | (Yugoslavia) |
| WP/23 | - | by Lionel B. Samuels | (Guyana) |
| WP/24 | - | by M.G. Kirichenko | (USSR) |
| WP/25 | - | by Gazmend Zajmi | (Yugoslavia) |
| WP/26 | - | by Naste Čalovski and Alexsander Peleš | (Yugoslavia) |

17. In addition, a report prepared by the International Labour Office, entitled "Promotion and protection of human rights of minorities in labour matters" (paper I), was submitted to the seminar.

18. The seminar also had before it: (a) the preliminary report of Mr. Francesco Capotorti, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for the study on the rights of persons belonging to ethnic, religious and linguistic minorities, submitted to the Sub-Commission at its twenty-fifth session, in 1972 (E/CN.4/Sub.2/L.564); (b) the progress report by the Special Rapporteur on the same study submitted to the Sub-Commission at its twenty-sixth session, in 1973 (E/CN.4/Sub.2/L.582); and (c) the report of the seminar on the multinational society held in Ljubljana, Yugoslavia, from 8 to 21 June 1965 (ST/TAO/HR/23).

## F. Messages addressed to the seminar

19. At the 3rd meeting, on 26 June 1974, messages addressed to the seminar by H.E. Marshal Josip Broz Tito, President of the Socialist Federal Republic of Yugoslavia, and H.E. Mr. Kurt Waldheim, Secretary-General of the United Nations, were read. The messages are reproduced in annexes II and III, respectively, to this report.

## I. MEASURES TO ENSURE THE HUMAN RIGHTS OF MINORITIES ON THE NATIONAL LEVEL

### A. General remarks

20. Item 1 of the agenda was discussed at the 2nd to 8th meetings of the seminar, held from 26 June to 1 July 1974.

21. The participants spoke on the agenda item as a whole, in addition to commenting on the three subitems separately.

22. The participants generally agreed that, though the basic principles of respect for human rights were applicable to members of all minorities, the variety of the historical and socio-economic conditions under which minorities had been formed and developed in various regions of the world might require a diversified approach to the problem of the protection and promotion of their human rights. Minorities, having developed in countries very different from the point of view of their historical, economic and social evolution, each had their own characteristics. It was pointed out that, taking into account the specific economic and social features of the developing countries, European criteria and the results of European experience could not necessarily apply to the question of minorities in those countries. Some speakers felt, however, that all minorities, notwithstanding their diversity, had certain fundamental problems in common.

23. The participants generally referred to historical factors as being of particular importance for understanding and solving the problems of minorities in various parts of the world.

24. In this context, many participants dwelt upon the negative consequences of colonialism on minorities in the parts of the world that had been or still were under such a régime. It was held that the colonial system had hampered the development of the national cultures of both majorities and minorities. The colonial Powers had played minorities off against one another and against the majority among the peoples governed and had maintained and exploited their division in order to facilitate the functioning of the colonial administration. Interference on the part of colonial Powers in minority problems had not been limited to the internal plane but had been supplemented in certain instances by "intervention for humanitarian purposes" on an international plane. It was also mentioned that the arbitrary drawing of boundaries by the colonial Powers further aggravated and complicated problems relating to minorities, especially in Africa. Thus, the newly independent States found it difficult to solve the minority problems inherited from the period of colonial domination; for instance, the illogical frontiers tended to lead to agitation in favour of union between groups who were separated by them. One speaker stated, however, that certain objectionable aspects of the question of minorities, such as the caste system, had preceded colonial injustice and urged the participants not to dwell upon the past but to concentrate on measures aimed at solving the present and future problems of minorities.

25. Some speakers referred to the historical evolution of the international aspects of the question of the protection of minorities. It was stressed that, before and after the First World War, the question had been essentially a European one. The

régime established for some States and certain minorities by the Peace Treaties and the attempt of the League of Nations to establish an international system for the protection of minorities had failed, because they were unilateral and limited in their territorial scope and expressed the interests of great Powers which tried to impose their will on small countries. One participant pointed out that, although the international system for the protection of minorities resulting from the First World War had collapsed, certain treaty provisions relating to minorities were still applicable.

26. Some participants expressed the view that after the Second World War, in a different historical setting, the question of minorities had become universal in scope in that minority problems had arisen in many parts of the world and had, moreover, attracted world-wide concern as a result of general industrial, scientific and cultural development and the improvement in communications media, among other factors. Some participants pointed out that, after the Second World War, the United Nations had placed the accent on the realization of human rights and fundamental freedoms for all, regardless of race, national origin, religion and other characteristics.

27. In this connexion, several participants mentioned the important progress represented by the fact that the Charter of the United Nations, in contrast with the Covenant of the League of Nations, included special provisions for the universal protection of human rights, of which the protection of the rights of minorities formed an integral part. The increasing role played by international public opinion in promoting the rights of minorities, by promptly reacting to infringements of those rights wherever they occurred, was mentioned as an illustration of the universal character acquired by the question of minorities. Several participants mentioned that the principle of non-discrimination, insofar as it concerned minorities, was observed in the United Nations Charter in the context of the protection of human rights and fundamental freedoms for all, as contracted with the provisions of the Covenant of the League of Nations.

28. Several participants emphasized that economic and social development represented the essential basis on which the promotion and protection of the human rights of minorities were possible. The situation of a minority depended primarily on its members' standard of living as defined in article 25 of the Universal Declaration of Human Rights, according to which everyone had the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care, and on their enjoyment of the right to education as defined in article 26 of the Universal Declaration. The gap between the levels of economic development of various regions of the world constituted an essential element in the sharp differentiation between the situation of minorities in the advanced industrial States and that of minorities in the developing countries. The promotion and protection of the latter could not be realized so long as various groups, because of their economic, social and cultural underdevelopment, could not enjoy even elementary human rights, such as the right to work or the right to culture. It was pointed out that the highest priority had therefore to be given to the economic and social development of those countries. The achievement of the necessary progress in that direction was a prerequisite for the promotion of the rights of minorities in the developing countries. It was further stated that it would, therefore, be a mistake to apply general concepts with respect to the rights of minorities without specifically relating them to the over-all economic and social environment. One participant

referred to the need for special economic aid to underdeveloped regions of a country where minorities lived, in order to build the economic foundation for the promotion and protection of their rights.

29. The diversity of historical, economic and social conditions all over the world was considered an obstacle to the elaboration of a general concept or definition of the term "minority", as its content varied from region to region and from country to country as well as from one historical period to another. Some minority groups were widely scattered, while others were concentrated, forming a majority in certain regions of a country. It was pointed out that the term "minority" applied in certain cases to national, ethnic or racial groups and in others to linguistic or religious groups, the latter not necessarily coinciding with the former groups.

30. It was contended that it was inappropriate to apply the term "minority" to the tribes of Africa or to religious groups and castes in certain parts of Asia. It was therefore suggested that the term "minority" should be used only for certain continents or regions of the world, including Europe, where it was already in current usage.

31. The existence in southern Africa of white minorities having a monopoly of power further complicated the question of the identification and definition of minorities.

32. It was stated that in certain countries the term "minority", which was felt to have a negative connotation, had been replaced by the term "nationality" to designate national, ethnic, linguistic and other groups that were different from the rest of the population. According to one participant, the term "minority" should be abandoned because it lacked a universal meaning and had become outmoded. He suggested that it be replaced by the expression "national, ethnic, religious, cultural, linguistic and tribal groups".

33. Several participants attempted to classify or enumerate various minority groups. A distinction was thus drawn between "historical", "classical" or "involuntary" minorities, resulting from events of a historical or geographical character (for example, changes in the borders, transfer of population, and slavery) and "minorities by election", "voluntary minorities" or "new minorities", composed of persons who had recently and voluntarily left their country of origin and moved to other countries (such as immigrants and foreign migrant workers).

34. Some participants believed that migrant workers should not be considered minoirities because they did not usually acquire the citizenship of the State where they temporarily established themselves and consequently they did not enjoy the political rights of the citizens, which were granted to "involuntary" minorities. Several participants thought, however, that migrant workers represented a new and special category of minority, possibly a "social minority", and that they presented a new set of problems. They stressed that, in the field of human rights, emphasis should not be placed on citizenship. On the other hand, many migrant workers had settled down in the State to which they had emigrated and acquired its citizenship, thus forming new minority groups. Reference was also made to the presence in certain countries of refugees, who also presented a separate set of problems.

35. Some indigenous populations were described by certain speakers as a special category of minority, in the sense that their characterization as "minorities" resulted mainly from the clash between populations with distinctive social values and those who benefited from modern scientific and technological developments.

36. One participant proposed, however, the following general definition of the term "minority": "a group of citizens, sufficient in number to pursue the aims of the group, but numerically smaller than the rest of the people, linked together by historical, ethnic, cultural, religious or linguistic bonds and wishing to preserve such bonds, which are different from those of the rest of the people".

37. It was observed that the protection of minorities was closely linked to protection against racial discrimination, and the importance for the protection of minorities of the ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination was stressed.

38. The general measures for the protection of the rights of minorities were described by some participants as being divided into two categories: measures whose purpose was to prevent discrimination - i.e., the denial of rights to individuals and groups because of their national, ethnic, linguistic or other characteristics - and special measures whose aim was to grant exceptional rights to minority groups for the preservation of their own tongue, religion, culture, ethnic or national character and traditions and to ensure the observance and realization of these rights. It was stressed, however, by some participants that within the United Nations system for the protection of human rights, both non-discrimination and special measures for the preservation of characteristics of minorities concerned individuals and not groups as such. Some participants were of the opinion that, though both kinds of measures should be applied to "involuntary minorities", "voluntary minorities" had a claim only to prevention of discrimination against them. One speaker felt, however, that "involuntary" minorities should not be automatically entitled to a more privileged position than the "voluntary" ones and that their status should be evaluated only in the total social context. One speaker said that some "involuntary" minorities in his country would reject special measures in their favour, owing to the position in society which they already occupied.

39. One participant stressed that the human rights of the individual could not be deemed to be fully realized if his attachment to a national, ethnic or other group was denied or disputed or if the minority to which he belonged was not protected as a collectivity.

40. The view was expressed by some participants that federal constitutional systems, adjusted to multinational communities or other group requirements and based on the free agreement of their various constituent parts, were an appropriate means for ensuring the protection and promotion of the human rights of minorities, and examples were cited to that effect. A federation could prevent the domination of any one group. Some participants felt, however, that federal systems could not serve as a suitable form of political organization in certain countries, for instance, those newly independent or relatively small countries where the achievement or maintenance of a larger measure of national unity was indispensable to avoid the splitting up of the State into non-viable units. Other participants expressed an opposite opinion -

that also in small countries with a multinational population the federation as a form of political organization had proved to be quite adequate for the achievement of equitable relations among nations and nationalities.

41. Attention was drawn to the fact that special rights granted to minorities could not be unlimited or be exercised in an abusive way so as to endanger national unity and the sovereignty of the State. The theory of the abuse of rights was held to be applicable also to the rights of members of minority groups, who should display loyalty to the State of which they were citizens.

42. It was pointed out that assimilation, though desired by some minorities, should not be forced upon any minority as it was a process that should depend exclusively on free will. One participant felt that the pursuance of a policy of forced assimilation for minorities violated the fundamental principles of self-determination and equality of nations and the basic human rights which were enshrined in the Charter of the United Nations. Moreover, assimilation implied a series of measures of direct or indirect coercion for the purpose of denationalizing minorities, negating the rights of individuals to their own identity and thereby the rights of a national and ethnic minority as a whole, and from that point of view it could be considered to approach the threshold of genocide. A harmonious integration rather than full assimilation might be a way of preserving the characteristics of various groups and thus achieving unity among diversity and the building of pluralistic or multicultural societies, which might be preferable, under certain circumstances, to multinational federal structures. The "minorities by election", such as migrant workers, were specifically mentioned as being entitled to a right to integrate and to participate in and to contribute to multicultural societies. One speaker thought, however, that integration of migrant workers would conflict with their wish to retain their ties with their own country, to return to it if possible during holidays and to preserve their special characteristics. It was further stressed that segregation was emphatically not an admissible solution to minority problems.

43. It was generally agreed that the education of the whole population with a view to eliminating prejudices and myths, which lay at the core of negative attitudes toward minority groups, and to developing attitudes of tolerance, understanding and mutual respect, should play an important role in the promotion and protection of the human rights and fundamental freedoms of those groups.

## B. Legal status of minorities

44. The important role of the constitution as the fundamental document laying down the basic principles for the protection of human rights was stressed by many speakers. In particular, detailed references were made by the participants to constitutional provisions as fundamental measures for protecting the human rights of minorities. Constitutional provisions of several countries proclaiming the equality of all citizens, irrespective of, among other things, national origin, language or religion, were quoted. The protection of the collective rights of nationalities by the constitution of one country was mentioned. Apart from their legal power, constitutions had an educative value. As regards the countries whose constitutions did not contain special provisions regarding non-discrimination in respect of the rights of minorities, it was pointed out that the general protection provided by the constitution for the human rights and fundamental freedoms of all citizens also applied to persons belonging to minorities.

45. Examples were given of existing legislation implementing and developing constitutional provisions for the purpose of ensuring respect for the human rights and fundamental freedoms of minorities. Participants from several countries mentioned various bills relating to the protection of minorities or to interracial relations that were being prepared or had been submitted to their legislative bodies.

46. Attention was drawn, however, to the fact that the proclamation by a constitution of human rights and fundamental freedoms, including those of minorities, was not sufficient in itself. In a number of cases, constitutional provisions either remained a dead letter or were violated in everyday life.

47. One speaker referred to what he called "constitutional or institutional camouflage", implying the setting up of an impressive legal and institutional framework purporting to protect human rights, which was, however, devoid of any real content and effectiveness. He further stated that, because the procedure for the modification of constitutions was slow and complicated, they lacked flexibility and did not adapt themselves to the rapid economic, political and social changes that were taking place in contemporary society. Another speaker observed, however, that a human right, if not embodied in a constitution, could be wiped out by an ordinary law. It was further said that constitutions were not immutable and were sensitive and adaptable to new realities.

48. One participant expressed the view that a constitution contained not in one document but in legislation and constitutional conventions was more adaptable to social change than was a written constitution. Others pointed out that, even in countries with such unwritten constitutions, bills of rights, adopted in written form, were an important factor in the promotion and protection of human rights. As one participant put it, history had demonstrated repeatedly that the giving of written expression to rights was an important means of safeguarding them. Statutes and charters proclaiming fundamental rights had provided enduring monuments that had both practical and educational value. The embodiment of rights in legislative form had served to make people more aware of their rights and therefore to render infringement of those rights more conspicuous.

49. One speaker felt that newly independent States, by adopting constitutions that imitated those of colonial Powers under whose domination they had been, exposed themselves to the danger of establishing a legal framework for the protection of human rights that did not correspond to their specific conditions and realities. Other speakers pointed out, however, that all constitutions embodied certain fundamental principles or objectives and that the perils of imitation should therefore not be exaggerated. The fact that some former non-self-governing territories had had no constitutions at all during colonial rule further increased the significance of constitutions for the newly independent States.

50. It was generally agreed that, however important constitutional provisions and other legislative measures were, the effective promotion and protection of the rights of minorities required that the rights granted by the constitution and other laws should be effectively implemented and enforced by sound policies and appropriate administrative enforcement machinery so that legal principles and norms became implanted in social reality.

51. Referring to various means of implementation and enforcement of legislative provisions relating to human rights, which were also available for the rights of minorities, many speakers cited the general legal remedies existing in their countries, such as administrative and judicial procedures for the abrogation of illegal administrative acts; resort to courts; review of the constitutionality of laws by special courts; and civil and criminal sanctions.

52. Provisions in the penal codes of several countries stipulating that certain acts directed against nationalities and minorities, including the stirring up of feelings against them, constituted an offence were also brought to the attention of the seminar.

53. One speaker felt, however, that criminal sanctions might exacerbate national or racial tensions and that it would, therefore, be preferable to resort to civil sanctions.

54. It was felt by some speakers that legal remedies were not sufficient to promote the effective protection of human rights, including the rights of minorities. One speaker described the inadequacy of legal remedies with respect to the human rights of minorities as sometimes including: the slowness of judicial procedures; unjust and inequitable application of laws; lack of knowledge on the part of the aggrieved citizen of his constitutional rights; fear of "going to court" on the part of a minority citizen; and prohibitive legal expenses. Some relief was available through legal aid facilities and civil rights and civil liberties organizations, but that was not enough. In addition, measures were being taken to provide more legal protection to minority members who had a language barrier.

55. It was, therefore, felt by some participants that certain means of enforcement not of a strictly judicial character, but of a more informal nature, were more effective. In this connexion, the system of parliamentary commissioners or ombudsmen, which existed in several countries for the protection of human rights against administrative abuse, was cited. One participant expressed the view that investigative bodies and machinery for mediation and conciliation should be established on a national level in relation to infringements of civil and political rights generally, as well as in relation to acts of discrimination on the basis of race or religion.

56. Investigating bodies and machinery for mediation and conciliation, which existed in certain countries, were described as presenting the advantage of reducing the need for costly litigation and eliminating other disadvantages of recourse to the courts.

57. Some speakers contended, however, that, in their countries, litigation and other legal remedies were sufficiently effective for the enforcement of human rights.

58. Examples were given of special bodies dealing with minority problems that existed or were being established in several countries - commissions of nationalities, race relations boards or councils, commissioners for race relations, in addition to human rights commissions, human rights councils and human rights commissioners.

59. The important role of various social organizations and associations of nationalities or minorities in several countries in creating appropriate conditions for the respect

of the human rights of minorities and for the prevention of their infringement was also mentioned. Their effectiveness was illustrated by examples relating to the achievements of States with a socialist structure, whose main concern was described as the creation of democratic conditions at every level and in every sector of national life.

60. Some speakers stressed the importance of combining international with national controls as a means of ensuring the enforcement of the rights of minorities. References were made in this connexion to the European Convention on Human Rights and to the decisions of the European Commission and of the European Court established by it, which, in some instances, had brought about the modification of the national law of countries party to the Convention.

### C. Exercise of civil and political rights

61. Discussion of the exercise by persons belonging to minorities of civil and political rights turned mainly upon their enjoyment of the right to a fair trial (article 10 of the Universal Declaration of Human Rights), the right to freedom of thought, conscience and religion (article 18 of the Universal Declaration), the right to take part in the government of one's country (article 21, paragraph 1 of the Universal Declaration), the right of equal access to the public service of one's country (article 21, paragraph 2, of the Universal Declaration) and the right to vote (which is an aspect of article 21, paragraph 3, of the Universal Declaration). Reference was also made to national languages, laws of personal status and the caste system. In each case, examples in national practice were cited.

62. Several participants urged that appropriate measures should be taken to ensure that in courts of law members of minorities were able to use their own language, or that interpreters were provided free of charge, at least in criminal cases. Anyone arrested or charged with an offence should be informed, in a language which he understood, of the reason for his arrest or charge.

63. Many participants referred to various religious minorities in their countries, and one stated that a religious issue had been important in a recent civil war in his country. It was generally agreed that the rights of religious minorities should be protected, at least by provisions prohibiting discrimination against them. The need to provide the relevant religious teaching in schools where a substantial religious minority existed was mentioned. Reference was made to laws making it a crime to stir up feelings against religious groups, to damage or defile their places of worship and other sacred places or to commit other acts with the intention of outraging the religious feelings of any person or group. The recognition of religious holidays was also mentioned by several participants. A provision was referred to whereby religious groups in one country had a special right of access to the Head of State. On the other hand, one participant referred to the abolition of all religious privileges on the coming to power of a new régime in his country.

64. Some participants described the federal constitutional structures of their countries, where areas inhabited by linguistic groups, nationalities or other ethnic groups formed the political divisions. Each such political division had its own executive, legislature and courts. It was generally recognized that members of national or ethnic minorities who were nationals of the country were entitled to

representation in national, local and, in federal states, provincial or state legislatures. In some countries, special constitutional provisions existed for the proportional representation of such minorities or disadvantaged groups in legislatures and in administration (or for the special representation in the legislatures of certain groups needing particular protection). In the constitution of one country, the adoption of tax laws required the approval of a majority of both the groups of legislators elected by the two major ethnic groups, for which proportional representation in the legislature was provided in the constitution. In two countries, there was a special provision for a minority to have the right to elect the vice-president. Attention was also drawn to two countries where an ethnic minority had been granted local autonomy, with its own executive and legislature, as well as the right to be represented in the equivalent national organs.

65. One participant described social organizations in his country which had the right to make policy proposals to the public authorities and to be consulted in matters affecting the minorities which they represented. Certain examples were cited by others of less formal arrangements for engaging minority groups in policy making.

66. It was generally felt that there should be no discrimination against minority groups in recruitment to, and promotion in, government administration, where de facto discrimination could abound, and one representative referred to the decision of the Government of a particular country to omit reference to "tribe" in official documents, for example in employment application forms, with that end in view. In another country the constitution provided for proportional representation in the civil service of the two major ethnic groups living in the country. The experience of one country was mentioned in connexion with the introduction of the principle of proportional representation of nationalities (national minorities) in the officer cadres of the army, and cases were mentioned where the units of a uniform defence system consisted of members of nationalities and where the constitution and the law determined that use was to be made of the language of the nationality (national minority) in command and training. On the other hand, one participant raised the question of the basis on which quota systems could be devised and two others said that in their countries, which had ethnic minorities, it had been decided to continue the merit system in the public service when the countries had become independent; one added that quota systems, although they might redress inequalities created in colonial times, were themselves discriminatory.

67. It was generally recognized that there should be no discrimination against minorities in relation to voting rights. It was observed that immigrants, including migrant workers, unless they became citizens, did not generally enjoy the right to vote and to be elected to public office; but one participant mentioned that his Government planned to accord to non-citizens the right to vote and to be elected in local elections, and another participant mentioned that those rights had already been introduced in one state of the country concerned.

68. Examples were given of the recognition of a minority's language as either one of the official languages or the sole official language of the area inhabited by it, and to the granting of the right of members of some minorities to address the authorities in their mother tongue, to have their own language used in official documents or as a medium of examination for entry into the public service; or to have the national laws translated into their own language. In some countries, the language of the former colonial Power had been retained as the official language, at least temporarily, in view of the existence of many local languages in the countries in

question. One representative said that his country, which had many nationalities in its population, had rejected the concept of a state language.

69. Reference was made to the existence in one country of laws of personal status affecting certain ethnic minorities and operating as exceptions to the general law of the land. These personal status laws related to marriage, matrimonial relations, parent and child relationships and family law, land tenure and property rights, inheritance and the law of succession.

70. It was explained that the caste system that had existed as part of the social structure in one country and that was an anachronism in the present age, besides being a massive form of discrimination, was rapidly disappearing as a result of stringent constitutional and other measures adopted to combat it. Yet occasional manifestations of the evil made their appearance, especially on the part of orthodox and reactionary elements, which, however, were effectively dealt with under the penal laws. Fortunately, the younger generation was free from such irrational prejudices and the hope was expressed that with the passage of time and the impact of the educative process, along with an aroused public consciousness, the evil would disappear. In one area of another country, the caste system still persisted despite its evils, modern humanitarian trends, technological progress and legislation adopted against the system.

### D. Exercise of economic, social and cultural rights

71. Several participants described the manner in which economic, social and cultural rights were exercised by the members of minority groups in their countries. The rights dealt with were the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment (article 23, paragraph 1, of the Universal Declaration), the right to education (article 26, paragraph 1, of the Universal Declaration) and the right to participate in the cultural life of the community (article 27, paragraph 1, of the Universal Declaration).

72. The exercise of economic, social and cultural rights by national, ethnic and other minorities on an equal footing with the majority in a given country was considered by speakers to be of paramount importance. Equality in the exercise of those rights, it was stated, was a prerequisite for the employment of civil and political rights and should be given priority in adopting measures on the national level to ensure the human rights of minority groups (see paragraph 28 above). When the members of minority groups as individuals, as well as in their collectivity, received their equal share of the benefits of industrialization, technical and professional training and agricultural development and of the equal development of the regions in which they resided, the acquisition of other rights would normally follow. Some participants, therefore, expressed the view that the seminar should concentrate on matters affecting the socio-economic aspects of human rights as a structural framework within which other rights affecting the condition of national minorities could be effectively exercised, with due regard for the identity and traditional and cultural values of the minorities, as well as for their needs and aspirations, their right to self-management and to social and economic change.

73. In connexion with the establishment of a socio-economic context within which the rights of national, ethnic and other minorities could best be promoted and protected, one participant referred to self-management relations in his country, whereby labour took part in decision-making in the production and management process, as a basis for the social and national emancipation of the minorities from discrimination and exploitation. Another participant emphasized the value of social organizations in overseeing the implementation of programmes and planning for economic, social and cultural advancement of the regions concerned.

74. Many participants emphasized the need to eliminate discrimination and economic exploitation of minority groups in employment and other matters relating to labour, regardless of their legal status. There was a general consensus that, as regards economic, social and cultural rights, there should be no distinction between the so-called "traditional" or "classical" minorities, who were nationals of the country in which they lived through descent, and migrant workers who resided in a country for a limited time or who acquired the status of citizenship by choice.

75. In connexion with the question of employment of national minorities, as well as that of migrant workers, participants pointed to the need for equality of opportunity, fair treatment in respect of employment and conditions of work, elimination of discrimination, the right to an adequate and equal standard of living, decent housing, adequate medical care and services and schooling of the children in their mother tongue. For some groups, including indigenous populations, special social and other measures were called for. One participant said that in his country orientation programmes were being provided for immigrants.

76. It was pointed out that the issue of equality of opportunity and treatment in respect of employment and conditions of work for members of minorities had been approached by the International Labour Organisation within the general framework of the elimination of discrimination in employment, for which the ILO had adopted specific standards (Convention No.111 and Recommendation No.111 of 1958) and had developed programmes of action. The effective enjoyment of equality of rights and opportunities in employment had to take account of cultural, linguistic, religious or other particularities of members of minorities, although ILO standards fully recognized that those problems might call for different treatment and solutions according to national circumstances. The International Labour Conference had adopted, in June 1974, a number of special principles on the effective enjoyment by migrant workers of equality of opportunity and treatment, taking account of cultural and linguistic factors; even if migrant workers were not regarded as "minorities" in the traditional sense, that decision showed that similar problems called for similar approaches to ensure equal rights while making full allowance for cultural differences.

77. Discussion also turned on the use of minority languages and the right to education in the mother tongue of national, ethnic and other minorities. A number of participants expressed the view that measures by the authorities, in law or in practice, against a group that wished to use its own language, whether for the schooling of its children, in its daily life or in the dissemination of information through local newspapers, publications, radio, television and other mass media, should be considered as contrary to the principles that should govern respect for the human rights of minorities. Most participants considered it essential for the maintenance

and development of group culture that minorities within a country be accorded the right to use their own language if they wished to do so. In some instances, especially in schooling, public funds should be used in appropriate circumstances to ensure the preservation of a minority's linguistic traditions. However, participants saw great value in members of minorities being taught at early stages of education both the local language and that of the country as a whole.

78. Some participants expressed the view that the minority groups should be allowed and when appropriate, encouraged to use their own language in everyday public and business life. It was stated that formerly the question of the free use of one's language in public and business life and in education had been considered essentially a cultural question. In contemporary times, however, when cultural life was no longer the privilege of a relatively small elite of a national group, the right to use one's own language in public life had become a matter of course for many peoples. The right to education in one's own language, also, did not only mean securing the free expression of the national and ethnic identify but covered the inclusion of professional, scientific and technological material in the educational process. The modern scientific and technological revolution increasingly provided national groups with means of more extensive and systematic education. It was essential for the social and economic well-being of members of national minorities for them to acquire the knowledge necessary for their professional activities and for their further education to become trained and skilled workers or experts. In this context, the opportunity available to members of national minorities to use their own language was not simply a matter relating to the domain of cultural advancement but was more importantly a means for the transformation of the social structure, for the promotion of general development and prosperity and, therefore, a significant contribution to the establishment of a permanent basis for the achievement of national equality.

79. The seminar also discussed various other aspects of cultural rights concerning national and ethnic groups. Several participants referred to the right of individual members of minorities, as well as to the right of groups in their collectivity, to enjoy the free expression of their individuality and group culture, to maintain their cultural identity and originality, to preserve their distinctive traditions, including artistic and theatrical traditions, and to maintain a natural link with the countries of their origin. It was considered the responsibility of the authorities to guarantee in law and in practice the maintenance and preservation of such traditions and customs and to provide for their autonomous development, where necessary by public financing. One participant said that in his country about 50 new literary languages had been created to meet the needs of linguistic minorities, and that a great cultural development had resulted. Another recalled that in his country the teaching of the history of minorities was being given increased importance in schools. It was recognized, however, that special measures in cultural spheres were often easier to undertake where the minority mainly inhabited a given area than where it was scattered throughout the country.

## II. REGIONAL AND WORLD-WIDE CO-OPERATION FOR THE PROMOTION AND PROTECTION OF MINORITIES

### A. General remarks

80. Item 2 of the agenda was discussed at the 9th to 15th meetings of the seminar, held on 2 to 5 July 1974.

81. The participants offered their comments on the agenda item as a whole, in addition to observations relating to the four subitems.

82. The importance of the promotion and protection of the human rights of minorities for the maintenance of international peace was generally emphasized, since the denial and violation of the rights of minorities were potential causes of conflict. One speaker pointed out that it was more obvious today than ever before that, as long as there was subjugation and exploitation of peoples, as long as there was suppression of the struggle of peoples for self-determination and liberation, and as long as the realization of the legitimate rights of national and ethnic minorities was obstructed, there could be no stable basis for peace. The solution of problems connected with the position of national, ethnic and other minorities in the spirit of the United Nations Charter, the Universal Declaration of Human Rights and the International Covenants on Human Rights could not therefore be viewed only in the light of the principles of humanism. They were an important component of the struggle for peace and security in the world.

83. The observance of the principle of the right to self-determination and of other fundamental principles of contemporary international law was an important means of ensuring universal respect for human rights. It was stressed that the right to self-determination constituted the basis and guarantee for human rights, and in that connexion the Declaration on the Granting of Independence to Colonial Countries and Peoples was referred to. The right to self-determination was meant to be exercised only against foreign oppression and not for the purpose of dismembering national States. The elimination of apartheid was viewed by a number of participants as a facet of the realization of the right to self-determination and of the process of decolonization.

84. It was stated that the problem of the protection of national, ethnic and other minorities could be solved, not by the use of force and pressure or by demands for territorial changes, but, above all, by the establishment of relations that implied recognition of the existence of such minorities, the assurance of their legitimate rights and the fulfilment of obligations resulting from international agreements and international law. Some speakers emphasized that any disputes between States in relation to minority questions should be solved exclusively by peaceful means, and especially by direct negotiations between the States. The usefulness and importance of consultations on this matter between States was further stressed. Several speakers, however, expressed the view that no such dialogue was advisable or even possible with the racist régimes in southern Africa.

85. Several participants observed that relaxation of international tensions and peaceful co-existence, which created favourable conditions for the peaceful solution of international disputes relating to minorities, were not contrary to the cessation of the

struggle for national liberation and for the realization of the right to self-determination of peoples which were still under colonial or other foreign domination.

86. It was stated that, as the protection of minorities was only a facet of the protection of human rights in general, the role of the international community in promoting universal respect for human rights was highly relevant also for minorities. Stressing the importance of economic development for the promotion and the protection of economic, social and cultural rights, which offered a firm basis for civil and political rights, one speaker pointed to the role of the international community in the equitable shaping of the world economic system. The opinion was expressed that, since the entry into force of the United Nations Charter, the international community had played a rapidly increasing role in economic development, essential for the promotion of economic, social and cultural rights, and perhaps an even greater role in the more traditional areas of civil and political rights.

87. References were made in this connexion to international treaties, declarations and resolutions containing rules of law and standards relating to human rights, which had been adopted by the United Nations with the intention that they should become part of the laws of all nations.

88. Some participants expressed the view that a most important development with respect to the international instruments adopted by the United Nations was the progressive evolution of some of the norms and standards contained in United Nations treaties, declarations and resolutions into general international law binding on each State, whether it had formally accepted them or not. As the most obvious example of this, the Genocide Convention was cited.

89. It was observed, however, that, as in the case of constitutions, the possibility of "institutional camouflage" also existed in the case of international conventions and other international instruments; that fact underlined the importance of the establishment and acceptance of appropriate machinery for international supervision. Reference was made to the procedure established by Economic and Social Council resolution 1503 (XLVIII), under which the Sub-Commission on Prevention of Discrimination and Protection of Minorities and subsequently the Commission on Human Rights were empowered to examine specific complaints in order to ascertain whether they revealed a consistent pattern of gross and attested violations of human rights. In this connexion, some participants stressed the importance of the right of the individual to submit complaints against violations of his rights to international bodies. The acceptance by all States of the Optional Protocol to the International Covenant on Civil and Political Rights and of the option provided for in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination was considered by them highly desirable for strengthening international supervision of compliance with the relevant provisions for ensuring the human rights of minorities.

90. Most of the participants stressed the importance of the activity of international and regional organizations, and primarily of the United Nations and of those of its organs having a special competence in the field of human rights (the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities) towards the promotion and protection of human rights and implementation of the relevant international standards. It was suggested that this activity should increasingly be directed towards the protection of the rights of minorities. Some of

the participants considered that the General Assembly should adopt international instruments for the protection of the human rights of minorities, such as a declaration and subsequently a convention. It was suggested that such a declaration should be adopted during the current United Nations Decade for Action to Combat Racial Discrimination. The participants concerned felt that the Sub-Commission should devote more of its activity to the question of the protection of minorities. Some speakers, however, underlined the need for the development and reaffirmation of the international law concerning minorities and stressed that emphasis should be laid on the implementation of the existing instruments rather than on adopting new ones. They underlined the difficulties involved in drafting new instruments, such as the diversity of the situation of minorities in different parts of the world and the lack of sufficient information on specific problems. Efforts should be made to ensure that all the existing instruments were brought into force and that as many States as possible became parties to them. Steps should also be taken to avoid overlapping of functions which might result from the creation of new procedures. Participants further stated that it would be useful to develop the content of article 27 of the International Covenant on Civil and Political Rights, so as to regulate more clearly and more completely the rights provided for in that article.

91. Some participants drew attention to the great significance of the work of the Committee on the Elimination of Racial Discrimination for the promotion, protection and implementation of the rights of ethnic and national minorities and in this connexion articles 1 and 2, paragraph 2, of the International Convention on the Elimination of all Forms of Racial Discrimination were mentioned. Reference was made to the possibility of resorting to the International Court of Justice in accordance with article 22 of the International Convention on the Elimination of all Forms of Racial Discrimination to periodic reports submitted under article 9 of the said Convention and to the implementing machinery provided for by the ILO Constitution insofar as the ILO Conventions on indigenous populations and employment and occupation were concerned. Some speakers pointed out that the special measures for the protection of groups and individuals referred to in article 1, paragraph 4, of the International Convention on the Elimination of All Forms of Racial Discrimination had the purpose of ensuring the equal enjoyment of human rights, but that those measures should not have as a consequence the maintenance of unequal or separate rights for different groups after the objectives for which they were taken had been achieved.

92. The activity of specialized agencies and non-governmental organizations in investigating violations of minorities rights and in informing international public opinion was felt to be particularly valuable. Some speakers were of the opinion that non-governmental organizations could make a significant contribution to the protection of minorities as they did not suffer from the political inhibitions of Governments; but that they should act with discretion. Other speakers thought, however, that certain limits should be placed on the activity of non-governmental organizations in the field of human rights in order to ensure that they acted responsibly; and it was suggested that a code of conduct for non-governmental organizations should be established.

93. Mention was made of the useful role which the international press and other media could play, provided that the information disseminated was truthful, objective and unbiased.

94. The participants generally agreed on the importance and usefulness of debating in human rights seminars questions relating to the promotion and protection of the human rights of minorities. The seminar held at Ljubljana in 1965 and the present seminar demonstrated the value of that method. Participants had gained knowledge and shared experiences which they could never have gained by visiting any one country. The results must be used at both the international and national levels. It was suggested that further seminars should be devoted to similar themes and that there should be continuity in their work. Seminars such as the present one gave an opportunity to assess progress and to make plans for the future.

95. The consistent implementation of the provisions of international agreements and of the Charter of the United Nations with regard to human rights and minorities implied the possibility that the international community might follow the fulfilment of those standards within the respective state communities. According to some speakers, such a development should not be viewed as interference in the internal affairs of States or as affecting their sovereignty, since questions of human rights did concern interstate relations, and therefore international action in that field would not transgress the traditional concept and extent of sovereignty. It was observed that the traditional doctrine of the unlimited power of the State over its citizens was no longer accepted in contemporary international law, which recognized the international character of the responsibility for the protection of human rights.

96. Some speakers stated that the concern of the State of origin for the position of a minority in another country was legitimate and should not be hampered by barriers that invoked the principle of non-interference in internal affairs, particularly when the existence of national and ethnic minorities was denied, commitments stemming from international agreements were not fulfilled or a policy of involuntary assimilation was pursued. All such acts constituted an infringement of the Charter of the United Nations and of the generally accepted norms of international law. Moreover, no State should demand respect for certain principles of the Charter while at the same time violating others. Some participants, however, stressed that concern for the rights of minorities should not lead to direct or indirect interference in the internal affairs of States.

97. It was suggested that the General Assembly should make recommendations designed to further international activity for the realization of the rights of minorities.

98. One participant expressed the view that article 2, paragraph 7, of the Charter did not permit the United Nations to intervene in the internal affairs of States, of which human rights constituted an essential part, unless violations of human rights were endangering international peace and security, in which case it was the Security Council that was competent to take the appropriate measures. Examination by United Nations bodies of problems concerning human rights and the rights of minorities that did not affect international peace and security might also constitute an interference in internal affairs, according to another view. That did not mean that States could not conclude treaties on human rights questions, as such treaties did not impair their sovereignty. Recommendations of the General Assembly for the realization of the rights of minorities should therefore not exceed the limits established by article 2, paragraph 7, of the Charter with respect to the competence of the United Nations. It was observed that article 2, paragraph 7, of the Charter was also applicable to the effects of articles 55 and 56 of the Charter.

99. Several speakers pointed out, however, that article 2, paragraph 7, of the Charter had a very limited application in the field of human rights, because of the obligations undertaken by Member States under articles 55 and 56 of the Charter. It was further observed that the procedure established by the Economic and Social Council in resolution 1503 (XLVIII) struck an equitable balance between articles 55 and 56 and article 2, paragraph 7, of the Charter. According to one participant, the rule requiring the previous exhaustion of domestic remedies should be observed by United Nations organs, except for cases where it could obviously be waived, or when its application caused unreasonable delays.

100. Many speakers were of the opinion that, as a consequence of the particularities of minorities in various parts of the world, regional co-operation was best suited for the promotion and protection of their rights. An important role accrued, therefore, to regional intergovernmental organizations in the protection of the rights of minorities and of human rights in general.

101. The experience in this field of the League of Arab States and of the Organization of African Unity was described in some detail by one speaker. He pointed out that, due to the specific problems of the respective regions, the questions of protection of human rights dealt with by those organizations were intertwined with the struggle against colonialism, for national liberation, against Zionism and apartheid, and against violations of human rights in the occupied territories in the Middle East. The speaker drew a parallel between Zionism and apartheid, on the one hand, and fascist and racist doctrines and practices on the other, insofar as human rights were concerned.

102. Regional co-operation on the basis of the European Convention on Human Rights and within the Council of Europe was also referred to. Though the European Convention on Human Rights did not contain any explicit provision on the rights of minorities, and a proposal to adopt a protocol thereto containing such provisions, which had been initiated in the Council of Europe, had not yet materialized, the Convention was applicable to minorities not only by virtue of the protection offered by it to human rights in general, but also because it prohibited any discrimination with regard to the rights and freedoms guaranteed by that Convention. The right of petition of individuals provided for in the Convention, which was recognized by most of the States parties, opened the possibility for individuals belonging to minorities to submit complaints against violations of their rights. Few cases regarding the human rights of minorities had, however, been referred to the European Commission or the European Court on Human Rights.

103. References were also made to the co-operation between States within the framework of the European Commission on Human Rights and the Organization of the American States and to co-operation between the Nordic States. One speaker suggested that, following the model of the first-mentioned, other regional commissions and regional human rights courts should be established. It was felt by some speakers that, in Africa and Asia, the first need was for the elimination of poverty, hunger and illiteracy.

104. One speaker stressed that regional co-operation was useful only if it was based on free consent and respected the principles of international law. Regional co-operation, when aimed at ensuring non-discrimination in the treatment of minorities and the preservation of their characteristics, should not be used for exercising political influence to undermine the unity of States and the obligation of loyalty

of members of minorities towards the States in which they lived. The same speaker further referred to the results that might be achieved by the European Conference on Security and Co-operation in promoting regional co-operation in the field of the protection of human rights, including those of minorities.

105. Several speakers pointed out that, however great the advantages of regional co-operation might be for the promotion and protection of the rights of minorities, the significance of the global approach should not be ignored. Situations varied in different regions, and there could be no general or specific regional model that was automatically applicable to all historical situations. It was vital, therefore, to adopt and implement the principles generally agreed upon today by the international community. The necessity for all States to ratify or accede to the human rights conventions adopted by the United Nations was again mentioned. It was further stressed by one speaker that such conventions, having a universal character, should be open to all States.

106. Some speakers pointed out that the internal and international aspects of the minority problem were closely linked and that there should therefore be an equilibrium between international and internal measures. Other speakers stated, however, that the main responsibility in the field of minority rights belonged to sovereign States, and that, consequently, internal laws and measures were of primary importance and international co-operation had an auxiliary function.

107. It was suggested that, taking into consideration the accelerated pace of history, the examination of the question of the promotion and protection of the human rights of minorities should not be limited to the present situation but should be future-oriented. From that point of view, the process of massive displacement of populations by, inter alia, migration of labour forces and of political refugees, the co-existence of various ethnic, cultural and economic groups in certain centres or regions of the world, and the gap between developed and developing countries, which hampered the creation of a universal concept of minorities, should be taken into account. International co-operation should be accelerated and new international institutions should be established with the purpose of fostering equality and eliminating discriminatory practices, taking into consideration large international migrations from developing to developed countries.

## B. Bilateral and multilateral agreements

108. The participants were generally agreed on the importance and usefulness of bilateral agreements between the States where minorities lived and the States from which they had originated, especially between neighbouring countries.

109. Bilateral agreements were said not only to contribute to the promotion and protection of the human rights of minorities but also to play an important role in preventing and in settling international disputes that might result from the existence of minorities or from the conditions in which they lived. When freely negotiated and entered into for the benefit of the peoples concerned, such agreements constituted an important factor in favour of peace and stability.

110. The participants cited bilateral agreements entered into by their countries, such as cultural agreements promoting scientific, educational and cultural exchanges in the field of minorities and agreements for the free crossing of borders of persons and goods. It was stated that open frontiers for the circulation of persons and goods and the development of all forms of border co-operation led to the strengthening of good neighbourly relations and to gradual removal of the barriers of mutual distrust and nationalistic prejudices.

111. It was further mentioned that bilateral agreements between countries belonging to the same geographical region, which existed in certain areas, and pertaining to co-operation not only in regard to minority questions but also in economic and other fields, constituted an appropriate method for promoting and protecting the rights of minorities on a regional basis.

112. According to one speaker, bilateral agreements deposited with the United Nations and attributing to United Nations organs the right to control their implementation and to report on their findings might prove an effective and valuable means of promoting international co-operation in relation to the human rights of minorities.

113. The significance of multilateral agreements for the promotion and protection of the human rights of minorities was recognized by many participants. Reference was made to the Charter of the United Nations, the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (especially its article 27), which formed a whole code of human rights. The ILO Conventions on Indigenous and Tribal Populations, on Migrant Workers and on Discrimination (Employment and Occupation) and the UNESCO Convention against Discrimination in Education were also mentioned, as were the Charters of the Nuremburg and Tokyo International Military Tribunals, which provided for the punishment of, inter alia, crimes against humanity.

114. Several speakers emphasized the importance of the universal condemnation of genocide and apartheid as crimes directed against human groups with specific national, ethnic and other characteristics. They advocated the ratification of or accession to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of all Forms of Racial Discrimination and the Convention for the Suppression and Punishment of the Crime of Apartheid by all States, so that those instruments might play an effective role in the eradication of the most serious violations of the right to equality of any human group and of its right to life.

115. It was observed that in practice multilateral and regional agreements had the purpose of protecting the human rights of minorities, while bilateral agreements aimed at the promotion of those rights. Multilateral and bilateral agreements complemented each other, and bilateral and regional agreements should be compatible with the universal ones. By their nature, universal agreements could contain only provisions of a general character, such as those of article 27 of the International Covenant on Civil and Political Rights, while bilateral agreements could have, in many instances, a more detailed and concrete character.

116. It was observed, however, that in certain cases bilateral agreements were imposed by some countries on others and that they further presented the risk of the assumption by one party to itself of a protecting role in respect of the minorities living on the territory of the other party; the risk could, however, be overcome by mutual goodwill.

117. It was stressed that, in order to achieve the purpose of strengthening co-operation and friendly relations between States, co-operation between States with regard to the rights of minorities should be strictly based on the principle of mutual respect for sovereignty, territorial integrity, non-interference in internal affairs and reciprocity, and bilateral agreements should be executed in good faith.

118. Several participants pointed out that neither multilateral nor bilateral agreements on the protection of human rights in general and of the rights of minorities in particular had a real meaning for most of the developing countries, which had first to overcome poverty, hunger and illiteracy.

### C. Research and study

119. In connexion with the question of regional and world-wide co-operation for the promotion and protection of minorities through research and study, references were made to projects already in progress and suggestions were made for further work on the national and international levels.

120. Attention was drawn to three projects being carried out by Special Rapporteurs with the assistance of the United Nations Secretariat. Mr. Francesco Capotorti of Italy was Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities for the purpose of making a study on the rights of persons belonging to ethnic, religious and linguistic minorities. Mr. Martínez Cobo of Ecuador was Special Rapporteur of the Sub-Commission for making a study of discrimination against indigenous populations; he had submitted a preliminary report 1/ and a first progress report 2/ to the Sub-Commission. Finally, Mr. Hernán Santa Cruz of Chile had been entrusted as Special Rapporteur by the United Nations Economic and Social Council to bring up to date a study entitled Racial Discrimination which he had previously made, 3/ with special emphasis on discrimination on grounds of colour. Mention was also made of a study on illicit and clandestine trafficking of foreign workers being made by Mrs. Halima Warzazi of Morocco with the assistance of the Secretariat, at the invitation of the Sub-Commission.

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1/ E/CN.4/Sub.2/L.566.

2/ E/CN.4/Sub.2/L.584 and Corr.1

3/ United Nations publication, Sales No. E.71.XIV.2.

121. The seminar received information concerning the study of the rights of persons belonging to ethnic, religious and linguistic minorities. In 1971, the Economic and Social Council had approved the Sub-Commission's decision "to initiate, as soon as possible, a study of the implementation of the principles set out in article 27 of the International Covenant on Civil and Political Rights with special reference to analysing the concept of minority, taking into account the ethnic, religious and linguistic factors and considering the position of ethnic, religious or linguistic groups in multinational societies". The final study, expected to be ready by 1976, would be based on country monographs containing material received in response to a questionnaire from Governments, specialized agencies and non-governmental organizations, as well as information taken from the published works of reliable scholars. The value of the widest possible response to the questionnaire was stressed.

122. Reference was also made to activities of the ILO in the area of migrant workers, which included reports by the International Labour Office.

123. One participant advocated governmental research programmes dealing with the problems of minorities and described legislation being drafted in his country which included this element. He also mentioned that research on minorities within academic institutions required systematic support. Another participant said that the question of the access in human rights matters of individuals and groups to international forums, including the International Court of Justice, should receive increased study and that the possibility of establishing regional courts of human rights other than the existing European Court, should also be investigated.

124. A participant suggested that the United Nations Secretariat should provide a future seminar on minorities with a basic document containing factual data on minorities throughout the world.

125. Other subjects said to be worthy of study were the question of the definition of minorities and the problem of why certain groups succeeded in maintaining more harmonious relationships with one another than did others. It was also suggested that, since the above-mentioned study of the rights of persons belonging to ethnic, religious and linguistic minorities was to some extent limited, owing to the link between the study and article 27 of the International Covenant on Civil and Political Rights, a further study of the minorities excluded would be justified.

### D. Encouragement of cultural and other contacts between groups linked by national, ethnic and other ties

126. It was generally agreed that the encouragement of cultural and other contacts between groups linked by national, ethnic and other ties enriched the culture of the country, promoted cross-cultural education and created a friendly atmosphere of mutual understanding among nations.

127. The "open society" was viewed as an appropriate basis for developing more contacts and border crossings by members of minorities.

128. It was added that contacts between minorities could facilitate relations with other States and thus represent a bridge between the country to which a minority belonged and the State of its origin.

129. The training of teachers on a reciprocal basis, common editions and importation of books and school texts, and visits and performances by pupils and by cultural ensembles were cited as examples of useful means of achieving cultural and other contacts between groups linked by national, ethnic and other ties.

130. Frequent travel of members of minorities to the countries of their origin, special programmes of exchanges sponsored by national organizations and art festivals of a multicultural character were further mentioned as offering excellent opportunities for contacts between minorities.

131. One speaker referred to the organization of conferences of minorities belonging to certain geographical regions as another means of promoting cultural and other contacts between them. He stated that in order to further cross-cultural contacts it would be preferable to organize them at a national level rather than at the level of minorities. Such contacts should, however, not be used by States for subversive activities.

132. Some participants suggested the organization, under the United Nations programme of advisory services in the field of human rights, of a seminar in which representatives of minorities themselves would be the participants, although it was recognized that the absence of an agreed definition of "minority" would present difficulties in connexion with the choice of groups to be represented.

### E. The role of minorities in the promotion of the spirit of understanding and co-operation among countries

133. It was pointed out that in the past the existence and the problems of minorities had had, in general, a negative influence on the development of international relations. Minorities had often been used as a pretext for starting wars of aggression.

134. It was generally felt that, under the international conditions currently prevailing, minorities could and ought to become an important source of mutual understanding and rapprochement between nations and States.

135. It was stated that minorities would always have a positive influence on the furtherance of mutual understanding and friendship among neighbouring States if efforts were made to secure for them the enjoyment of equal rights as well as adequate conditions for their development. Well treated minorities constituted an element of harmony.

136. It was said that the existence of minorities constituted a factor which should bring countries together and encourage them to establish and expand mutual co-operation.

137. It was added that development of co-operation and friendship between neighbouring countries created the best conditions for minorities to become an ever stronger source of closer ties among nations and States and not a cause of alienation. This applied especially to countries whose frontier regions had a mixed population.

## III CONCLUSIONS

138. The participants adopted the following conclusions representing the consensus of the seminar:

(1) The twin problems of the elimination of discrimination and the promotion and protection of the human rights of national, ethnic and other minorities are of world-wide scope and significance.

(2) The promotion of the human rights and of the equal participation of members of such minorities in the political, economic, social and cultural life of a country, in accordance with the principles contained in the International Covenants on Human Rights, is an important responsibility of every State.

(3) The importance of finding solutions to the problem of the promotion and protection of the human rights of minorities lies not only in the advancement of human rights the world over, but in the promotion of international peace and understanding.

(4) The settlement of minority problems between States on the basis of respect for human rights could help to build bridges of understanding, co-operation and friendship between them so that such problems would not become a source of discord.

(5) Progress in the promotion of the human rights of minorities is inevitably interlinked with and will be accelerated by general progress in providing better conditions of life and increased opportunities for all peoples, particularly in the developing countries.

(6) In countries that are still under colonial rule or foreign occupation the due exercise of the right of self-determination is an essential pre-condition for the promotion and exercise of human rights and fundamental freedoms. Every territorial occupation caused by colonial domination or aggression represents in itself a continuing violation of fundamental human rights, because it inevitably denies the right of self-determination to the peoples concerned. Therefore, measures should be taken towards the final elimination of colonialism and neo-colonialism in order to enable the peoples of these countries to develop in freedom and independence.

(7) Although there is no universally accepted definition of the term "minority", there is a general awareness of the characteristics of the groups to whom the term, in practice, may be applied, in so far as the question of the promotion and protection of their human rights is concerned.

(8) While the problems of minorities have common elements in most countries and regions, there are, at the same time, characteristic differences between some of them. Accordingly, in adopting general criteria, the existing specific conditions should be taken into account.

(9) The members of minority groups who are citizens of the countries in which they live should have the same rights and duties as the other citizens.

(10) Members of minority groups are entitled to preserve their identity and to enjoy and develop their own culture and traditions in conditions of full equality with the majority while making their own distinctive contribution in all respects to the life and development of the country in which they live.

(11) Members of minority groups should enjoy equality before the law, the right to practise their own religion and the right to use their own language.

(12) It is incumbent on all States to ensure that members of minority groups enjoy all the human rights that are enjoyed by the majority; any discrimination against them is contrary to the purposes and principles of the Charter of the United Nations, to conventions or to customary international law.

(13) States should adopt, where necessary, concrete measures in the civil, political, social, economic, cultural and other fields, with a view to ensuring for members of minorities the free and equal enjoyment of human rights and fundamental freedoms in accordance with the principles contained in the International Covenants on Human Rights.

(14) Parellel to constitutional and legislative measures, which are of great value, there must be appropriate administrative action, including action in the field of education, to make effective the enjoyment of the human rights proclaimed in constitutional and legislative instruments. Equally, obligations undertaken under international agreements must be respected and implemented.

(15) There is universal recognition of the competence and efficacy of world-wide action in this field, with due regard to the principles of the Charter concerning the sovereignty of States, along with regional and bilateral action, since they are mutually complementary.

(16) Minority problems both within and between States are a subject of legitimate interest for the United Nations and the international community within the framework of the Charter and of other basic instruments adopted under the auspices of the United Nations in this connexion. The abolition of all forms of discrimination based on race, colour, descent or national or ethnic origin, as well as the adoption of effective measures to eliminate <u>apartheid</u>, are of a particular significance.

(17) Existing international bodies and procedures established by international instruments, such as the International Convention on the Elimination of All Forms of Racial Discrimination, should be fully utilized.

(18) The entry into force of the International Covenant on Civil and Political Rights, bearing in mind the significance of its article 27, and the International Covenant on Economic, Social and Cultural Rights would be an important factor in the advancement of the human rights of minorities. States which have not yet done so should ratify these instruments as soon as possible.

(19) Research and studies on the problem of the promotion and protection of the human rights of minorities on as wide a scale as possible should continue. The United Nations and specialized agencies, as well as Governments and institutions, should stimulate such research on the subject. The holding of further seminars would be of great value.

(20) The seminar requests the Secretary-General to make available the report of the Ohrid seminar to the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, the Commission on Human Rights, the Economic and Social Council and the General Assembly, as well as to the specialized agencies and regional intergovernmental organizations, and to such other organs of the United Nations as may be concerned.

## IV. ADOPTION OF THE REPORT

139. The present report was adopted unanimously by the seminar at its final meeting, on 8 July 1974.

Annex I
LIST OF
PARTICIPANTS

Annexe I
LISTE DES
PARTICIPANTS

Anexo I
LISTA DE
PARTICIPANTES

Governments
Gouvernements
Gobiernos

Australia/Australie

Mr. Peter Loof, Senior Assistant Secretary, Human Rights Branch, Attorney-General's Department

Mr. M. Costello*, Second Secretary, Australian Embassy, Belgrade

Mr. K.G. Winder*, Senior Executive Officer, Department of Aboriginal Affairs

Mr. G. Cotsell**, Counsellor (Immigration), Australian Embassy, Belgrade

Austria/Autriche

Mr. Klaus Berchtold, Head of Department of Constitutional Services, Federal Chancellery

Bulgaria/Bulgarie

Mr. Yuli Bahnev, Counsellor, Ministry of Foreign Affairs

Mr. Ilia Koltchakov*, Secretary, Ministry of Foreign Affairs

Mr. Konstantin Pandev*, Maitre de recherches, Institut d'Histoire, Académie des Sciences

Chad/Tchad

M. Koko Gang-Non Nantiga, Substitut du Procureur de la République près le Tribunal de première instance de N'Djamena

Cuba

Sr. Federico de Córdova Castro, Director-General de la Asociación Cubana de Naciones Unidas, Organismos y Conferencias Internacionales, Ministerio de Relaciones Exteriores

Sr. Enrique Marimón Roca*, Juez del Tribunal Supremo Popolar

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** Adviser/Conseiller/Asesor.

Cyprus/Chypre/Chipre

Mr. Criton G. Tornaritis, Q.C., Attorney General of the Republic

Mr. Costas Papademas*, Counsellor, Ministry of Foreign Affairs

Ecuador/Equateur

Sr. Bolívar Valladeres, Director del Departamento de Actos y Organismos Internacionales, Ministerio de Relaciones Exteriores

Egypt/Egypte/Egipto

Mr. Boutros Boutros-Ghali, Professor of International Law, Cairo University

Mrs. Farida Abou El-Fétouh*, Ministry of Foreign Affairs

Ghana

Mrs. Kate Abankwa, Senior Assistant Secretary, Humanitarian Section, Ministry of Foreign Affairs

Guyana/Guyane

Mr. Lionel B. Samuels, Director, United Nations Section, Ministry of Foreign Affairs

Hungary/Hongrie/Hungría

Mr. Ivan T. Berend, Rector of Karl Marx University of Economy

Mr. László Kövágó*, Head of the Department for Nationalities in the Ministry of Culture and Education

Mr. László Kincses*, Ministry of Foreign Affairs

India/Inde

Mr. Rajeshwar Dayal, Member, Committee on the Elimination of Racial Discrimination

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Iraq/Irak

Mr. Ismael Mirza, Professor, Baghdad University

M. Mundhir Al Shawi*, Professeur à la Faculté de droit de Baghdad

Mr. Younis Alazzawi*, Baghdad University

M. U. Al-Gailani**, Premier Secrétaire, Ministère des Affaires étrangères

Italy/Italie/Italia

M. Giuseppe Sperduti, Professeur à l'Université de Rome

M. Francesco Capotorti*, Professeur d'organisation internationale, Université de Naples

Nigeria/Nigéria

Mr. Bandele Kolawole, Under-Secretary (Political), Cabinet Office

Peru/Pérou

Sr. Cord Dammert, Segundo Secretario, Misión Permanente del Perú ante las Naciones Unidas

Poland/Pologne/Polonia

Mr. Bogumil Sujka, Doctor of Law, Adviser to the Minister for Foreign Affairs

Mr. Zbigniew Resich*, Professor, Faculty of Law, Warsaw University

Sri Lanka

Mr. Nihal Jayawickrama, Secretary of Justice, Ministry of Justice

Sudan/Soudan/Sudán

Mr. Bona Malwal M. Ring, Minister of State for Information

Mr. Ibrahim Ahmed Osman*, First Secretary, Sudan Embassy, Belgrade

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** Adviser/Conseiller/Asesor.

Sweden/Suède/Suecia

Mr. Hans Danelius, Deputy Under-Secretary of State for Legal and Consular Affairs, Ministry of Foreign Affairs

Mr. Rune Henriksson*, Head of Department, Ministry of Agriculture

Thailand/Thaïlande/Tailandia

Mr. Amorn Chandarasomboon, Legal Counsellor, Office of the Juridical Council, Office of the Prime Minister

Mr. Prasert Nasakul*, Director of the Foreign Law Division, Office of the Juridical Council, Office of the Prime Minister

Turkey/Turquie/Turquía

Mr. Gündüz A. Okçün, Professor at the Faculty of Political Science, University of Ankara

Union of Soviet Socialist Republics/Union des Républiques socialistes soviétiques/Unión de Repúblicas Socialistas Soviéticas

Mr. Mikhail G. Kirichenko, Professor, Adviser to the Ministry of Justice

Mr. Vladimir D. Terekhov*, Ministry of Foreign Affairs

Mr. Boris A. Strashun*, Doctor of Law, Institute of State and Law, Academy of Sciences

United Kingdom of Great Britain and Northern Ireland/Royaume-Uni de Grande Bretagne et d'Irlande du Nord/Reino Unido de Gran Bretaña e Irlanda del Norte

Lady Gaitskell, Member of the House of Lords

United States of America/Etats-Unis d'Amérique/Estados Unidos de América

Margaret B. Young, Chairman, Whitney M. Young, Jr., Memorial Foundation

Miss Xenia G. Vunovic*, Bureau of International Organization Affairs, Department of State

Mr. Peter E. Holmes*, Director, Office for Civil Rights, United States Department of Health, Education and Welfare

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** Adviser/Conseiller/Asesor.

Yugoslavia/Yougoslavie

Mr. Dimče Belovski, Chairman of the Commission for International Relations and Co-operation of the Federal Committee of the Socialist Alliance of Working People of Yugoslavia

Mr. Miljan Komatina, Assistant Federal Secretary for Foreign Affairs

Mr. Pajazit Nuši, Vice-President of the Provincial Executive Council of Kosovo

Mr. Marinko Grujić, Member of the Central Committee of the League of Communists of Croatia and Chairman of the Commission of the Central Committee for the Social System and Relations among Nationalities

Mr. Koča Jončić, Deputy Chairman, Commission for Constitutional Questions of the Socialist Republic of Serbia

Mr. Mijat Šuković*, Vice-President of the Executive Council of the Socialist Republic of Montenegro

Mr. Ivan Ginovski*, Member of the Executive Council of the SR of Macedonia

Mr. László Rehák*, Associate Professor, Faculty of Economics, Subotica

Mr. Silvo Devetak*, Special Adviser, Federal Secretariat of State for Minorities

Mr. Atif Purivatra*, Professor, Faculty of Political Sciences, Sarajevo

Mr. Naste Čalovski*, Counsellor, Federal Secretariat for Foreign Affairs

Mr. Janko Jeri*, Acting Director, Institute for National Questions, Ljubljana

Mr. Juraj Andrassy*, Professor of International Law, Zagreb

Mr. Todor Džunov**, Professor of International Law, Skopje

Mr. Z. Gruda**, Member of the Central Committee of the League of Communists of Yugoslavia

Mr. Miladin Gvozdenov**, Member of the Provincial Committee of the Central Committee of the League of Communists of the SAP of Vojvodina

Mr. Hajredin Hodža**, Dean, Faculty of Law, Priština

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** Advisor/Conseiller/Asesor.

Yugoslavia/Yougoslavie (continued)/(suite)

Mr. Branimir Janković**, Professor of International Law, Belgrade

Mr. Savin Jogon**, Member of the Republican Committee of the Socialist Alliance of the Working People of Slovenia

Mr. Drago Mirošević**, Secretary of the Commission for International Relations of the Assembly of the Socialist Republic of Slovenia

Mr. Gavro Perazić**, Professor of International Law, Titograd

Mr. Dušan Popovski**, Member of the Central Committee of the League of Communists of the Socialist Republic of Macedonia

Mr. Budislav Vukas**, Professor of International Law, Zagreb

Mr. Dančo Zagrovski**, Professor, Faculty of Economics, Skopje

Mr. Gazmend Zajmi**, Professor, Faculty of Law, Priština

Miss Zagorka Ilić**, First Secretary, Permanent Mission of the Socialist Federal Republic of Yugoslavia to the United Nations

Mr. Todor Bojadzijevski**, Second Secretary, Permanent Mission of the Socialist Federal Republic of Yugoslavia to the United Nations Office at Geneva

Zaire/Zaïre

M. Yakembe Yoko, Représentant permanent adjoint, Mission permanente du Zaire, Genève

M. Makengo Ma Kimboko*, Chef de bureau, Département des affaires étrangères

Government observers

Belgium, Canada, Finland, German Democratic Republic, Romania

Observateurs gouvernementaux

Belgique, Canada, Finlande, République démocratique allemande, Roumanie

Observadores gubernamentales

Bélgica, Canadá, Finlandia, República Democrática Alemana, Rumania

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** Adviser/Conseiller/Asesor.

Specialized agencies

International Labour Organisation (ILO)

Institutions spécialisées

Organisation internationale du travail (OIT)

Organismos especializados

Organizacíon Internacional del Trabajo (OIT)

Non-governmental organizations

Category I

International Council on Social Welfare, World Federation of United Nations Associations, World Veterans Federation.

Category II

Anti-Slavery Society, Amnesty International, Baha'i International Community, World Jewish Congress.

Organisations non gouvernementales

Catégorie I

Conseil international de l'action sociale, Fédération mondiale des anciens combattants, Fédération mondiale des associations pour les Nations Unies.

Catégorie II

Amnesty International, Communauté internationale Baha'ie, Congrès juif mondial, Société anti-esclavagiste.

Organizaciones no gubernamentales

Categoría I

Consejo Internacional de Bienestar Social, Federación Mundial de Asociaciones pro Naciones Unidas, Federacíon Mundial de ex-Combatientes.

Categoría II

Amnesty International, Comunidad Internacional Bahá'i, Congreso Judío Mundial, Liga contra la Esclavitud.

Liaison officer with the Government of Yugoslavia
Agent de liaison avec le Gouvernement yougoslave
Oficial de enlace del Gobierno de Yugoslavia

Mr. Naste Čalovski, Counsellor, Federal Secretariat for Foreign Affairs

## Annex II

### TEXT OF MESSAGE ADDRESSED TO THE SEMINAR BY MARSHAL JOSIP BROZ TITO, PRESIDENT OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

I am pleased to extend my warm greetings to the participants in the United Nations seminar on the promotion and protection of human rights of national, ethnic and other minorities.

I am glad that your meeting is taking place in our country. The Socialist Federal Republic of Yugoslavia, as a multinational society, has emerged from the struggle for freedom and equality of all our nations and nationalities, which is the basis of our federal, socialist and self-managing system. By achieving these rights of nations and nationalities in Yugoslavia, we endeavour, on the international plane also, to ensure that all nations and nationalities enjoy the full right to an independent and free development.

The promotion and protection of the human rights of national, ethnic and other minorities constitutes a very important factor for understanding and rapprochement among peoples and for peaceful co-operation among States. I am convinced that the United Nations can greatly contribute in this area also, in the interest of peace, freedom and equality of peoples and countries.

I address to the seminar my best wishes for its successful work and I express my conviction that the results of your deliberations will further the activities of the United Nations as well as international co-operation on the questions of national and ethnic minorities in general.

I wish you a pleasant stay in our country and hope that you will take away with you the best memories.

## Annex III

### TEXT OF MESSAGE ADDRESSED TO THE SEMINAR BY MR. KURT WALDHEIM, SECRETARY-GENERAL OF THE UNITED NATIONS

I should like to convey my warm greetings to all those gathered at this United Nations Seminar on the promotion and protection of the human rights of national, ethnic and other minorities. I wish, in particular, to thank the Government of Yugoslavia for its generous hospitality in acting as host to this meeting.

The topics that will be examined on this occasion offer a unique opportunity for experts, coming from the different regions of the world to share experiences and knowledge in solving problems relating to a most important question: how to promote and protect the human rights of national, ethnic and other minorities. Without doubt these are challenging topics which touch upon sensitive areas of human relations. Bearing in mind the significance of minority problems to the entire international community, I am confident that they will be approached and discussed in a spirit of understanding, co-operation and progress. The General Assembly of the United Nations has initiated these seminars in order to achieve a basic goal - the promotion and protection of the human rights of all peoples everywhere. Rather than being political forums, they are meant to enable a free and open exchange of ideas, to stimulate thinking and to produce constructive suggestions.

The problems relating to national, ethnic and other minorities are of continuing concern for all countries, whether rich or poor, and in many instances they transcend national boundaries. As far as the United Nations is concerned, these problems have been and will continue to be of major significance, and we must not fail in our efforts to achieve full co-operation and understanding, both within and among States, in searching for and bringing forth practical solutions in the context of the objectives of the Charter regarding universal respect for human rights and fundamental freedoms for all without distinction.

The present international climate offers a fresh opportunity for the mutual advancement of all the peoples of the world in a peaceful, and therefore secure, environment. This seminar will, I am sure, make a positive contribution in the right direction. I wish you every success in your endeavours.

Annex IV

TEXT OF OPENING ADDRESS BY MR. BLAGOJ POPOV, PRESIDENT OF THE EXECUTIVE COUNCIL OF THE ASSEMBLY OF THE SOCIALIST REPUBLIC OF MACEDONIA

I am honoured, on behalf of the Federal Executive Council and the Executive Council of the Socialist Republic of Macedonia, to greet the participants in the United Nations seminar on the promotion and protection of the human rights of national, ethnic and other minorities and to welcome them to our country and express my best wishes for success in their work. I should also like to welcome all other persons invited to the seminar.

The questions to be discussed are of exceptional importance for international relations and co-operation, being related to the fundamental rights of peoples, nationalities and mankind. They are also of immediate interest to my own country.

As you know, socialist Yugoslavia is a federal multinational community which is being established and developed on the basis of the achievement of the full equality of its nations and nationalities, as determined by our Constitution.

The over-all development of our country and of our self-managing system, in particular, is imbued with the consistent implementation of that policy. All nations and nationalities in our country decide on their own development and at the same time are responsible for the development of the entire community. This implies that all nations and nationalities have the possibility of asserting their national being, of achieving their economic prosperity, of developing their own culture. Under such conditions a deep feeling of common interest is developing, a feeling that is only possible where there is full national freedom and equality.

As is well known, Yugoslavia represents a world international community in miniature. It is composed of nations and a larger number of nationalities of ethnic groups. I think we can say, without undue immodesty, that we have achieved exceptional results and experiences in the realization of equality among the nations and nationalities of socialist Yugoslavia, which in themselves can contribute to the promotion of international relations. We are, of course, seriously studying the experiences of other countries as well. The results in the implementation of the policy of national equality in our country are all the more significant if we bear in mind the comparative under-development of our country and the serious shortfall in the levels of development that we inherited. Allow me to point out that in the Socialist Republic of Macedonia, where this seminar is being held, the Albanian and Turkish nationalities live and develop on a footing of equality with the Macedonian nation.

In Yugoslavia we are rightly proud of the degree of equality that has been achieved, and in which all nations and nationalities in our country see the conditions for their free social, material and spiritual development.

By implementing a consistent policy of international co-operation, of struggle for peace and coexistence, Yugoslavia seeks to enable all peoples, all nationalities, all national, ethnic and other minorities to achieve the right to develop in freedom and equality.

By achieving the full equality and recognition of nations living in our country, Yugoslavia is making a direct contribution towards good-neighbourly relations, in other words, it is extending a hand of co-operation to neighbours in the interest of peace and stability in the area in which we live, and in a broader sense, beyond that area. In this spirit the SFR of Yugoslavia shows its interest in the condition and rights of the parts of the Yugoslav nations that live in the neighbouring countries, deeply convinced that the achievement of their legitimate rights may contribute to understanding, rapprochement and co-operation between neighbours.

We are familiar with the activities of the United Nations in the field of international co-operation, designed to ensure the human rights and freedoms of all people, all nations, all nationalities, all national, ethnic and other minorities. We, for our part, have endeavoured to contribute fully to the activities of the United Nations and, in particular, to its efforts towards achieving the dignity of man and the freeing of all nations and nationalities from all forms of oppression and discrimination. We consider that the United Nations can make a large contribution towards the further development of bilateral and multilateral co-operation in this area as well as to the further establishment of international instruments.

I am convinced that the exchange of opinions at this seminar will constitute a further step in the activities of the world organization with respect to the topics under consideration.

Annex V

TEXT OF OPENING ADDRESS BY MR. LJUBEN BATKOVSKI,
PRESIDENT OF THE COMMUNAL ASSEMBLY, MAYOR OF OHRID

The citizens of Ohrid received with great pleasure the news that our town was to be host to the United Nations seminar on national minorities and ethnic groups. They were pleased and indeed eager to make the participants' stay as pleasant as possible. At this solemn opening of the seminar, I now have the pleasant duty and honour, on behalf of the Communal Assembly, to welcome you most cordially and express the wish that your deliberations may be fruitful and successful.

The holding of this seminar represents a significant event in the life of our town. Ohrid, as a well-known tourist resort in the Socialist Republic of Macedonia and in the Socialist Federal Republic of Yugoslavia, is endowed with many attractive features - natural, cultural and historic; it is often host to social-scientific and other international gatherings. But this seminar, as is rarely the case with other gatherings, is noteworthy by reason of the participating countries and by reason also of the eminence of the persons attending. Undoubtedly, the greatest honour for me is that the gathering is held under the auspices of the United Nations, whose good will and humanitarian endeavours towards creating conditions for better understanding and co-operation among nations are well known.

The theme for your discussions for the next 13 days is one that concerns countries, both small and large, throughout the world; the topic is universal and therefore brings closer together all nations, national minorities and ethnic groups.

Perhaps I may be permitted - in addition to my wishes for the achievement of the basic objectives of the seminar - to express the hope that during your stay you may find the time and opportunity to become better acquainted with the social, economic and cultural development of our town. This year represents the 30th anniversary of the day on which our citizens, for the first time in our history, enjoyed national and political freedom. All that has been established bears witness to this freedom, and is the result of the creative ability of Macedonians to form a brotherhood with those of Turkish and Albanian nationality.

Ohrid is but one example of many communities in the Socialist Federal Republic of Yugoslavia that in practice have lived up to the motto - established in the historical national-liberation struggle and the socialist construction of the country - of the brotherhood and unity of Yugoslav nations and nationalities.

Once again, may I extend our warmest welcome. Please feel at home. We hope that you will take away with you the happiest memories of your stay on the shores of Lake Ohrid.

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